

AMENDED IN SENATE MARCH 15, 2016

AMENDED IN ASSEMBLY JANUARY 25, 2016

AMENDED IN ASSEMBLY MAY 20, 2015

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

AMENDED IN ASSEMBLY APRIL 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1300

Introduced by Assembly Member Ridley-Thomas

February 27, 2015

An act to amend Sections 5008, 5113, 5150.1, and 5270.50 of, and to add Sections 5014, 5025, 5113.5, and 5150.3, and to add Article 1.1 (commencing with Section 5150.10) to, the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1300, as amended, Ridley-Thomas. Mental health: involuntary commitment.

Under existing law, when a person, as a result of *a* mental disorder, is a danger to others, or to himself or herself, or gravely disabled, he or she may, upon probable cause, be taken into custody by a peace officer, member of the attending staff of an evaluation facility, designated members of a mobile crisis team, or other designated professional person, and placed in a facility designated by the county and approved by the State Department of Health Care Services as a facility for 72-hour treatment and evaluation.

~~This bill would require a nondesignated hospital, as defined, to notify the county in which the nondesignated hospital is located of a person's detention pursuant to that provision, and to use the 24-hour toll-free telephone number established by the county's mental health program for psychiatric emergency services and crisis stabilization if the county's mental health program has a 24-hour toll-free telephone number in operation on January 1, 2017, for this purpose. The bill would require that the notification include specified information, including the time when the 72-hour detention period for evaluation and treatment expires, and would require the notification to be documented in the patient's medical record.~~

This bill would specify, among other things, procedures for delivery of individuals to various facilities for mental health evaluation and treatment; procedures for probable cause determinations for detention and evaluation for treatment; terms and length of detention, when appropriate, in various types of facilities; and criteria for release from designated facilities and nondesignated hospitals, as defined. The bill would exempt specified providers of health services and peace officers from criminal or civil liability for the actions of a person after his or her release from detention, subject to specified exceptions. The bill would authorize a provider of ambulance services to transfer a person who is voluntarily transferring to a designated facility for evaluation and treatment. The bill would require a designated facility to accept, within its clinical capability and capacity, all persons for whom it is designated, without regard to insurance or financial status. The bill would also make changes to the methods by which the county is notified of the release of a person detained for evaluation and treatment, including notification through the 24-hour toll-free telephone number established by the county's mental health program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5008 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 5008. Unless the context otherwise requires, the following
- 4 definitions shall govern the construction of this part:
- 5 (a) "Evaluation" consists of multidisciplinary professional
- 6 analyses of a person's medical, psychological, educational, social,

1 financial, and legal conditions as may appear to constitute a
2 problem. Persons providing evaluation services shall be properly
3 qualified professionals and may be full-time employees of an
4 agency providing face-to-face, which includes telehealth,
5 evaluation services or may be part-time employees or may be
6 employed on a contractual basis.

7 (b) “Court-ordered evaluation” means an evaluation ordered by
8 a superior court pursuant to Article 2 (commencing with Section
9 5200) or by a superior court pursuant to Article 3 (commencing
10 with Section 5225) of Chapter 2.

11 (c) “Intensive treatment” consists of ~~such~~ hospital and other
12 services as may be indicated. Intensive treatment shall be provided
13 by properly qualified professionals and carried out in facilities
14 qualifying for reimbursement under the California Medical
15 Assistance Program (Medi-Cal) set forth in Chapter 7 (commencing
16 with Section 14000) of Part 3 of Division 9, or under Title XVIII
17 of the federal Social Security Act and regulations thereunder.
18 Intensive treatment may be provided in hospitals of the United
19 States government by properly qualified professionals. Nothing
20 in this part shall be construed to prohibit an intensive treatment
21 facility from also providing 72-hour evaluation and treatment.

22 (d) “Referral” is referral of persons by each agency or facility
23 providing assessment, evaluation, crisis intervention, or treatment
24 services to other agencies or individuals. The purpose of referral
25 shall be to provide for continuity of care, and may include, but
26 need not be limited to, informing the person of available services,
27 making appointments on the person’s behalf, discussing the
28 person’s problem with the agency or individual to which the person
29 has been referred, appraising the outcome of referrals, and
30 arranging for personal escort and transportation when necessary.
31 Referral shall be considered complete when the agency or
32 individual to whom the person has been referred accepts
33 responsibility for providing the necessary services. All persons
34 shall be advised of available precare services that prevent initial
35 recourse to hospital treatment or aftercare services that support
36 adjustment to community living following hospital treatment.
37 These services may be provided through county or city mental
38 health departments, state hospitals under the jurisdiction of the
39 State Department of State Hospitals, regional centers under contract

1 with the State Department of Developmental Services, or other
2 public or private entities.

3 Each agency or facility providing evaluation services shall
4 maintain a current and comprehensive file of all community
5 services, both public and private. These files shall contain current
6 agreements with agencies or individuals accepting referrals, as
7 well as appraisals of the results of past referrals.

8 (e) “Crisis intervention” consists of an interview or series of
9 interviews within a brief period of time, conducted by qualified
10 professionals, and designed to alleviate personal or family
11 situations which present a serious and imminent threat to the health
12 or stability of the person or the family. The interview or interviews
13 may be conducted in the home of the person or family, or on an
14 inpatient or outpatient basis with such therapy, or other services,
15 as may be appropriate. The interview or interviews may include
16 family members, significant support persons, providers, or other
17 entities or individuals, as appropriate and as authorized by law.
18 Crisis intervention may, as appropriate, include suicide prevention,
19 psychiatric, welfare, psychological, legal, or other social services.

20 (f) “Prepetition screening” is a screening of all petitions for
21 court-ordered evaluation as provided in Article 2 (commencing
22 with Section 5200) of Chapter 2, consisting of a professional
23 review of all petitions; an interview with the petitioner and,
24 whenever possible, the person alleged, as a result of a mental health
25 disorder, to be a danger to others, or to himself or herself, or to be
26 gravely disabled, to assess the problem and explain the petition;
27 when indicated, efforts to persuade the person to receive, on a
28 voluntary basis, comprehensive evaluation, crisis intervention,
29 referral, and other services specified in this part.

30 (g) “Conservatorship investigation” means investigation by an
31 agency appointed or designated by the governing body of cases in
32 which conservatorship is recommended pursuant to Chapter 3
33 (commencing with Section 5350).

34 (h) (1) For purposes of Article 1 (commencing with Section
35 5150), Article 2 (commencing with Section 5200), and Article 4
36 (commencing with Section 5250) of Chapter 2, and for the purposes
37 of Chapter 3 (commencing with Section 5350), “gravely disabled”
38 means either of the following:

1 (A) A condition in which a person, as a result of a mental health
2 disorder, is unable to provide for his or her basic personal needs
3 for food, clothing, or shelter.

4 (B) A condition in which a person, has been found mentally
5 incompetent under Section 1370 of the Penal Code and all of the
6 following facts exist:

7 (i) The indictment or information pending against the person at
8 the time of commitment charges a felony involving death, great
9 bodily harm, or a serious threat to the physical well-being of
10 another person.

11 (ii) The indictment or information has not been dismissed.

12 (iii) As a result of a mental health disorder, the person is unable
13 to understand the nature and purpose of the proceedings taken
14 against him or her and to assist counsel in the conduct of his or
15 her defense in a rational manner.

16 (2) For purposes of Article 3 (commencing with Section 5225)
17 and Article 4 (commencing with Section 5250), of Chapter 2, and
18 for the purposes of Chapter 3 (commencing with Section 5350),
19 “gravely disabled” means a condition in which a person, as a result
20 of impairment by chronic alcoholism, is unable to provide for his
21 or her basic personal needs for food, clothing, or shelter.

22 (3) The term “gravely disabled” does not include persons with
23 intellectual disabilities by reason of that disability alone.

24 (i) “Peace officer” means a duly sworn peace officer as that
25 term is defined in Chapter 4.5 (commencing with Section 830) of
26 Title 3 of Part 2 of the Penal Code who has completed the basic
27 training course established by the Commission on Peace Officer
28 Standards and Training, or any parole officer or probation officer
29 specified in Section 830.5 of the Penal Code when acting in relation
30 to cases for which he or she has a legally mandated responsibility.

31 (j) “Postcertification treatment” means an additional period of
32 treatment pursuant to Article 6 (commencing with Section 5300)
33 of Chapter 2.

34 (k) “Court,” unless otherwise specified, means a court of record.

35 (l) “Antipsychotic medication” means any medication
36 customarily prescribed for the treatment of symptoms of psychoses
37 and other severe mental and emotional disorders.

38 (m) “Emergency” means a situation in which action to impose
39 treatment over the person’s objection is immediately necessary
40 for the preservation of life or the prevention of serious bodily harm

1 to the patient or others, and it is impracticable to first gain consent.
2 It is not necessary for harm to take place or become unavoidable
3 prior to treatment.

4 (n) “Designated facility” or “facility designated by the county
5 for evaluation and treatment” means a facility that is licensed or
6 certified as a mental health treatment facility or a hospital, as
7 defined in subdivision (a) or (b) of Section 1250 of the Health and
8 Safety Code, by the State Department of Public Health, and may
9 include, but is not limited to, a licensed psychiatric hospital, a
10 licensed psychiatric health facility, and a certified crisis
11 stabilization unit.

12 (o) “Authorized professional” means any of the following:

13 (1) *A mental health professional or category of mental health*
14 *professionals, excluding peace officers, who are authorized in*
15 *writing by a county to provide services described in Article 1*
16 *(commencing with Section 5150) of Chapter 2. An authorized*
17 *professional shall have appropriate training in mental health*
18 *disorders and determination of probable cause, and shall have*
19 *relevant experience in providing services to persons with mental*
20 *health disorders.*

21 (2) *An authorized professional as described in paragraph (1)*
22 *who is a member of the staff of a designated facility and who is*
23 *authorized by the facility to provide services described in this part.*

24 (3) *A member of a mobile crisis team who is authorized in*
25 *writing by a county to provide services described in Article 1*
26 *(commencing with Section 5150) of Chapter 2.*

27 (p) “Emergency transport provider” means a provider of
28 ambulance services licensed by the Department of the California
29 Highway Patrol or operated by a public safety agency and includes
30 the authorized personnel of an emergency transport provider who
31 are certified or licensed under Section 1797.56, 1797.80, 1797.82,
32 or 1797.84 of the Health and Safety Code.

33 (q) “Telehealth” means the telehealth services, as defined in
34 paragraph (6) of subdivision (a) of Section 2290.5 of the Business
35 and Professions Code, for the purpose of providing services under
36 this part, including a probable cause determination, the release
37 of a person from detention for evaluation and treatment, assessment
38 or evaluation, and treatment. For purposes of this part, telehealth
39 services may be used by any licensed professional, including a
40 psychologist, clinical social worker, or other mental health

1 professional, acting within the scope of his or her profession for
2 providing evaluation, treatment, consultation, or other mental
3 health services under this part.

4 SEC. 2. Section 5014 is added to the Welfare and Institutions
5 Code, to read:

6 5014. Each designated facility shall accept, within its clinical
7 capability and capacity, all categories of persons for whom it is
8 designated, without regard to insurance or financial status. If a
9 person presents to a designated facility with a psychiatric
10 emergency medical condition, as defined in subdivision (f) of
11 Section 5150.10, that is beyond its capability, the facility shall
12 assist the person in obtaining emergency services and care at an
13 appropriate facility.

14 SEC. 3. Section 5025 is added to the Welfare and Institutions
15 Code, to read:

16 5025. (a) The professional person in charge of a nondesignated
17 hospital, as defined in subdivision (c) of Section 5150.10, his or
18 her designee, the medical director of the nondesignated hospital
19 or his or her designee, the psychiatric professional who has
20 consulted with a treating emergency professional in accordance
21 with subdivision (c) of Section 5150.15, or a treating emergency
22 professional or other professional staff person who has received
23 training in managing persons who have been detained for
24 evaluation and treatment and the determination of probable cause
25 in accordance with Section 5150, and who is acting within the
26 scope of his or her official duties, employment or contractual
27 obligations, or clinical privileges for the nondesignated hospital,
28 shall not be civilly or criminally liable for any action by a person
29 detained pursuant to Article 1 (commencing with Section 5150)
30 of Chapter 2 of this part, and released at the end of 72 hours, or
31 before the end of 72 hours, if Section 5150.15 is satisfied.

32 (b) The peace officer responsible for the detainment of the
33 person shall not be civilly or criminally liable for any action by a
34 person released at or before the end of the 72-hour detainment
35 period pursuant to Article 1 (commencing with Section 5150) of
36 Chapter 2 of this part.

37 (c) A treating emergency professional or other professional
38 staff person who has received training in managing persons who
39 have been detained for evaluation and treatment and the
40 determination of probable cause in accordance with Section 5150,

1 *and who is acting within the scope of his or her official duties,*
2 *employment or contractual obligations, or clinical privileges for*
3 *the nondesignated hospital shall not be liable for carrying out a*
4 *determination in accordance with Section 5150.15.*

5 *(d) Nothing in this section shall exonerate a person described*
6 *in this section from liability if that person acted with gross*
7 *negligence or willful or wanton misconduct.*

8 *SEC. 4. Section 5113 of the Welfare and Institutions Code is*
9 *amended to read:*

10 5113. Except as provided in Sections 5154, 5173, 5259.3, 5267,
11 5270.35, and 5306, the facility providing treatment pursuant to
12 Article 1 (commencing with Section 5150), Article 1.5
13 (commencing with Section 5170), Article 4 (commencing with
14 Section 5250), Article 4.5 (commencing with Section ~~5260~~ 5260),
15 Article 4.7 (commencing with Section 5270.10), or Article 6
16 (commencing with Section 5300), ~~the superintendent of the facility,~~
17 *a nondesignated hospital, as defined in subdivision (c) of Section*
18 *5150.10, the administrator of the facility or nondesignated hospital,*
19 *the professional person in charge of the facility or nondesignated*
20 *hospital, and his or her designee, or the peace officer responsible*
21 *for the detainment of the person shall not be civilly or criminally*
22 *liable for any action by a person released at or before the end of*
23 *the period for which he or she was detained or admitted pursuant*
24 *to the provisions of the appropriate article.*

25 *SEC. 5. Section 5113.5 is added to the Welfare and Institutions*
26 *Code, to read:*

27 5113.5. (a) *A designated facility or nondesignated hospital,*
28 *as defined in subdivision (c) of Section 5150.10, or a physician or*
29 *other professional staff person who has received training in*
30 *managing persons who have been detained for evaluation and*
31 *treatment and determination of probable cause in accordance with*
32 *Section 5150, and who is acting within the scope of his or her*
33 *official duties, employment or contractual obligations, or clinical*
34 *privileges for the designated facility or nondesignated hospital*
35 *shall not be liable for any of the following:*

36 *(1) An injury caused by an eloping or eloped person who has*
37 *been detained for a mental health disorder or addiction.*

38 *(2) An injury to, or the wrongful death of, an eloping or eloped*
39 *person who has been detained for a mental health disorder or*
40 *addiction.*

1 ***(b) Nothing in this section shall exonerate a person described***
2 ***in this section from liability if that person acted with gross***
3 ***negligence or willful or wanton misconduct.***

4 ***SEC. 6. Section 5150.1 of the Welfare and Institutions Code***
5 ***is amended to read:***

6 ***5150.1. (a) No peace officer seeking to transport, or having***
7 ***transported, a person to a designated facility for assessment under***
8 ***Section 5150, shall be instructed by mental health personnel to***
9 ***take the person to, or keep the person at, a jail solely because of***
10 ***the unavailability of an acute bed, nor shall the peace officer be***
11 ***forbidden to transport the person directly to the designated facility.***
12 ***No mental health employee from any county, state, city, or any***
13 ***private agency providing Short-Doyle psychiatric emergency***
14 ***services shall interfere with a peace officer performing duties under***
15 ***Section 5150 by preventing the peace officer from entering a***
16 ***designated facility with the person to be assessed, nor shall any***
17 ***employee of such an agency require the peace officer to remove***
18 ***the person without assessment as a condition of allowing the peace***
19 ***officer to depart.***

20 ***(b) An emergency transport provider or any certified or licensed***
21 ***personnel of an emergency transport provider who has received***
22 ***training in managing persons who have been detained for***
23 ***evaluation and treatment and who is acting at the direction of a***
24 ***peace officer to transport a person who has been detained by the***
25 ***peace officer pursuant to subdivision (a) of Section 5150 to a***
26 ***designated facility for assessment under Section 5151, or to a***
27 ***nondesignated hospital, as defined in subdivision (c) of Section***
28 ***5150.10, for emergency services and care, is authorized to continue***
29 ***the detention for the purpose of transporting the person to the***
30 ***facility or the nondesignated hospital.***

31 ***“Peace***

32 ***(c) “Peace officer” for the purposes of this section also means***
33 ***a jailer seeking to transport or transporting a person in custody to***
34 ***a designated facility for assessment consistent with Section 4011.6***
35 ***or 4011.8 of the Penal Code and Section 5150.***

36 ***SEC. 7. Section 5150.3 is added to the Welfare and Institutions***
37 ***Code, to read:***

38 ***5150.3. (a) An application for detention for evaluation and***
39 ***treatment shall be valid in all counties in which there is a***
40 ***designated facility to which the person may be taken.***

1 **(b) (1)** *If the person detained by a peace officer or authorized*
2 *professional is in a location other than a designated facility or*
3 *nondesignated hospital, the original or copy of the application for*
4 *detention for evaluation and treatment shall be presented to the*
5 *designated facility under paragraph (2) or the nondesignated*
6 *hospital under paragraph (3).*

7 **(2)** *If after detention under Section 5150, the person is first*
8 *taken to a designated facility, the original or a copy of the signed*
9 *application for detention for evaluation and treatment shall be*
10 *presented to the designated facility.*

11 **(3)** *If after detention under Section 5150, the person is first*
12 *taken to a nondesignated hospital, the original or a copy of the*
13 *signed application for detention for evaluation and treatment shall*
14 *be presented to the nondesignated hospital. If the person is*
15 *subsequently transferred to a designated facility, the nondesignated*
16 *hospital shall deliver the original or a copy of the signed*
17 *application for detention for evaluation and treatment to the*
18 *designated facility. If the person is discharged from the*
19 *nondesignated hospital under Section 5150.15 without a transfer*
20 *to a designated facility, the nondesignated hospital shall maintain*
21 *the original or a copy of the original signed application for*
22 *detention for evaluation and treatment.*

23 **(c)** *If a person detained for evaluation and treatment is*
24 *subsequently released pursuant to Section 5150.15 or 5151, the*
25 *application for detention for evaluation and treatment in the*
26 *possession of a designated facility or nondesignated hospital shall*
27 *be retained for the period of time required by the medical records*
28 *retention policy of the designated facility or nondesignated*
29 *hospital.*

30 **SECTION 1.**

31 **SEC. 8.** Article 1.1 (commencing with Section 5150.10) is
32 added to Chapter 2 of Part 1 of Division 5 of the Welfare and
33 Institutions Code, to read:

34
35 Article 1.1. Persons Detained in Nondesignated Hospitals

36
37 5150.10. Unless the context otherwise requires, the following
38 definitions shall govern the construction of this article:

39 (a) “Emergency department of a nondesignated hospital” means
40 a basic, comprehensive, or standby emergency medical service

1 that is approved by the State Department of Public Health as a
2 special or supplemental service of a nondesignated hospital. For
3 purposes of this part, an emergency department of a nondesignated
4 hospital shall include an observation or similar unit of the hospital
5 that meets both of the following criteria:

6 (1) The unit is operated under the direction and policies of the
7 emergency department.

8 (2) The unit provides continuing emergency services and care
9 to patients prior to an inpatient admission, transfer, or discharge.

10 (b) *“Emergency professional” means either of the following:*

11 (1) *A physician and surgeon who is board certified or pursuing*
12 *board certification in emergency medicine, or a qualified licensed*
13 *person, as defined in subdivision (e), during any scheduled period*
14 *that he or she is on duty to provide medical screening and*
15 *treatment of patients in an emergency department of a*
16 *nondesignated hospital.*

17 (2) *A physician and surgeon, or a qualified licensed person, as*
18 *defined in subdivision (e), during any scheduled period that he or*
19 *she is on duty to provide medical screening and treatment of*
20 *patients in the emergency department of a nondesignated hospital*
21 *that is a critical access hospital within the meaning of Section*
22 *1250.7 of the Health and Safety Code. A physician and surgeon*
23 *on duty under this paragraph shall include a physician and surgeon*
24 *on call for a standby emergency medical service who is responsible*
25 *to provide professional coverage for the emergency department.*
26 *A physician and surgeon on duty under this paragraph does not*
27 *include a physician and surgeon who is providing on-call specialty*
28 *coverage services to the emergency department of a nondesignated*
29 *hospital, unless the physician and surgeon is an emergency*
30 *professional under paragraph (1).*

31 ~~(b)~~

32 (c) *“Nondesignated hospital” means a general acute care*
33 *hospital, as defined in subdivision (a) of Section 1250 of the Health*
34 *and Safety Code or an acute psychiatric hospital, as defined in*
35 *subdivision (b) of Section 1250 of the Health and Safety Code,*
36 *that is not a designated facility, as defined in Section 5008.*

37 (d) *“Psychiatric professional” means a physician and surgeon*
38 *who is board certified or pursuing board certification in psychiatry*
39 *and who is providing specialty services to the emergency*
40 *department of a nondesignated hospital.*

1 (e) “Qualified licensed person” means a licensed person
2 designated by the medical staff and governing body of a
3 nondesignated hospital to provide emergency services and care,
4 to the extent permitted by applicable law, in an emergency
5 department of the nondesignated hospital under the supervision
6 of a physician and surgeon.

7 (f) “Psychiatric emergency medical condition” has the same
8 meaning as defined in subdivision (k) of Section 1317.1 of the
9 Health and Safety Code.

10 5150.11. (a) This section shall apply to a person who has been
11 detained pursuant to Section 5150 for evaluation and treatment
12 and first taken to an emergency department of a nondesignated
13 hospital.

14 (b) Except as provided in subdivision (e), the nondesignated
15 hospital shall notify the county in which the nondesignated hospital
16 is located of the person’s detention.

17 (c) The notification to the county shall be made using the
18 24-hour toll-free telephone number established by the county’s
19 mental health program for psychiatric emergency services and
20 crisis stabilization if the county’s mental health program has a
21 24-hour toll-free telephone number in operation on January 1,
22 2017, for this purpose. The notification shall be documented in
23 the patient’s medical record.

24 (d) The nondesignated hospital shall advise the county of all of
25 the following:

26 (1) The time when the 72-hour detention period for evaluation
27 and treatment expires.

28 (2) An estimate of the time when the person will be medically
29 stable for transfer to a designated facility.

30 (3) The county in which the person resides, if known.

31 (e) The notification to the county under this section shall not
32 be required if the treating emergency professional determines that
33 the person will be admitted to an acute care bed of a nondesignated
34 hospital for the primary purpose of receiving acute inpatient
35 services for a medical condition that is in addition to the person’s
36 psychiatric condition.

37 5150.12. (a) This section shall apply to a person who has been
38 detained for evaluation and treatment by a peace officer or an
39 authorized professional and is taken to an emergency department
40 of a nondesignated hospital for emergency services and care.

1 (b) While the person is in the emergency department of the
2 nondesignated hospital, the detention of the person for evaluation
3 and treatment shall continue, unless the person is released from
4 detention pursuant to Section 5150.15.

5 5150.13. (a) This section shall apply if, during a person's
6 examination or treatment in an emergency department, there is a
7 need for a determination of probable cause for the detention of
8 the person for evaluation and treatment.

9 (b) If a person who has not been detained for evaluation and
10 treatment has signs or symptoms, in the judgment of the treating
11 emergency professional, that indicate probable cause for detention
12 for evaluation and treatment, the person shall have the right to a
13 prompt probable cause determination in accordance with any of
14 the following:

15 (1) The hospital may contact the county to arrange for a
16 probable cause determination by an authorized professional,
17 including, but not limited to, a member of a mobile crisis team.

18 (2) The probable cause determination may be conducted by an
19 authorized professional utilizing telehealth.

20 (3) The treating emergency professional may conduct a probable
21 cause determination and, upon a finding of probable cause, detain
22 the person for evaluation and treatment in accordance with Section
23 5150.

24 (c) If the person is detained for evaluation and treatment
25 pursuant to this section, the detention shall continue during his or
26 her stay in the emergency department of a nondesignated hospital,
27 unless the person is released from detention pursuant to Section
28 5150.15 or the detention ends by reason of the expiration of 72
29 hours pursuant to subdivision (a) of Section 5150.

30 5150.14. (a) This section shall apply to a person who is first
31 detained pursuant to Section 5150 for evaluation and treatment
32 in a nondesignated hospital emergency department or has been
33 detained pursuant to Section 5150 for evaluation and treatment
34 and first taken to an emergency department of a nondesignated
35 hospital.

36 (b) (1) Except as provided in subdivision (e), the nondesignated
37 hospital shall notify the county in which the nondesignated hospital
38 is located of the person's detention.

39 (2) If the person was detained for evaluation and treatment and
40 taken to the emergency department of the nondesignated hospital

1 pursuant to Section 5150.12, the notification shall occur after the
2 hospital has performed an initial medical screening of the person
3 in accordance with paragraphs (1) and (2) of subdivision (a) of
4 Section 1317.1 of the Health and Safety Code.

5 (3) If the person is first detained for evaluation and treatment
6 in the emergency department of the nondesignated hospital
7 pursuant to Section 5150.13, the notification shall occur when the
8 probable cause determination has been completed.

9 (c) The notification to the county shall be made using the
10 24-hour toll-free telephone number established by the county's
11 mental health program for psychiatric emergency services and
12 crisis stabilization if the county's mental health program has a
13 24-hour toll-free telephone number in operation on January 1,
14 2017, for this purpose. The notification shall be documented in
15 the patient's medical record.

16 (d) The nondesignated hospital shall advise the county of all of
17 the following:

18 (1) The time when the 72-hour detention period for evaluation
19 and treatment expires.

20 (2) An estimate of the time when the person will be medically
21 stable for transfer to a designated facility.

22 (3) The county in which the person resides, if known.

23 (e) The notification to the county under this section shall not
24 be required if the treating emergency professional determines that
25 the person will be admitted, pursuant to Section 5150.16, to an
26 acute care bed of a nondesignated hospital for the primary purpose
27 of receiving acute inpatient services for a medical condition that
28 is in addition to the person's psychiatric condition.

29 5150.15. (a) This section shall establish a process for releasing
30 from detention a person who has been detained for evaluation and
31 treatment during the time that the person is detained in the
32 emergency department of a nondesignated hospital.

33 (b) If the treating emergency professional, after an examination
34 of the person, determines that a person does not have a mental
35 disorder, the treating professional may release the person from
36 detention for evaluation and treatment.

37 (c) If the treating emergency professional, after an examination
38 of the person, determines that a person has a mental disorder, but
39 there is no longer probable cause to continue the detention for
40 evaluation and treatment, the treating emergency professional

1 may release that person only when the treating emergency
2 professional has conducted a face-to-face examination and
3 determined that the person does not pose a danger to himself or
4 herself or others, and is not gravely disabled.

5 5150.16. (a) A nondesignated hospital and the professional
6 staff of the nondesignated hospital shall not be civilly or criminally
7 liable for the transfer of a person detained for evaluation and
8 treatment to a designated facility in accordance with this article.

9 (b) The peace officer or authorized professional responsible for
10 the detention of the person for evaluation and treatment who
11 transfers the custody of the person to an emergency professional
12 of a nondesignated hospital shall not be civilly or criminally liable
13 for any of the following:

14 (1) The continuation and enforcement of the detention for
15 evaluation and treatment during the person's stay in the emergency
16 department of the nondesignated hospital prior to the discharge
17 of the person from the hospital in accordance with this article.

18 (2) The release of the person from detention for evaluation and
19 treatment in accordance with this article.

20 (3) The transfer of the person detained for evaluation and
21 treatment to a designated facility in accordance with this article.

22 (c) Nothing in this section shall exonerate a person described
23 in this section from liability if that person acted with gross
24 negligence or willful or wanton misconduct.

25 5150.17. (a) A provider of ambulance services licensed by the
26 Department of the California Highway Patrol or operated by a
27 public safety agency, and the employees of those providers who
28 are certified or licensed under Section 1797.56 of the Health and
29 Safety Code, shall be authorized to transport a person who is in
30 a hospital or facility on a voluntary basis to a designated facility
31 for psychiatric treatment. This section shall apply to transfers from
32 any type of facility, including nondesignated hospitals and other
33 facilities.

34 (b) A person shall not be detained for evaluation and treatment
35 solely for the purpose of transporting the person, or transferring
36 the person by a provider of ambulance services, to a designated
37 facility or an emergency department of a nondesignated hospital.

38 5150.18. (a) Notwithstanding Section 5328, peace officers,
39 authorized professionals, emergency professionals and other
40 qualified professionals who participate in the examination,

1 consultation, treatment, placement, referral, or transport of a
2 person who is, or for whom there may be probable cause to be,
3 detained for evaluation and treatment under Section 5150 may
4 engage in communication of patient information among each other
5 and with county behavioral health professionals and staff, in the
6 provision of emergency services, referral, and placement for the
7 person with a designated facility or other agency. This includes
8 communication about the historical course of the person's mental
9 disorder, as defined in Section 5150.05.

10 (b) Communication of patient information under this section
11 also includes both of the following:

12 (1) Communications between emergency medical personnel and
13 emergency professionals at a licensed hospital, as defined in
14 subdivision (a) or (b) of Section 1250 of the Health and Safety
15 Code, in examination and treatment of a person at the scene of an
16 emergency or in transport of the person to a hospital for emergency
17 services and care.

18 (2) Communications among emergency medical personnel,
19 emergency professionals, and authorized professionals at a
20 designated facility or a nondesignated hospital at which the person
21 may be evaluated, treated, placed, referred, or transported,
22 including during the course of transport.

23 (c) For purposes of this section, communications among
24 emergency medical personnel, emergency professionals, and
25 authorized professionals include communications with licensed
26 persons working under the supervision of emergency professionals
27 and authorized professionals.

28 SEC. 9. Section 5270.50 of the Welfare and Institutions Code
29 is amended to read:

30 5270.50. (a) Notwithstanding Section 5113, if the provisions
31 of Section 5270.35 have been met, the professional person in
32 charge of the facility providing intensive treatment, his or her
33 designee, ~~and the professional person~~ the medical director of the
34 facility or his or her designee described in Section 5270.35, the
35 psychiatrist directly responsible for the person's ~~treatment~~
36 treatment, or the psychologist shall not be held civilly or criminally
37 liable for any action by a person released before or at the end of
38 the 30 days of intensive treatment pursuant to this article.

39 (b) The professional person in charge of the facility providing
40 intensive treatment or his or her designee, the medical director of

1 *the facility or his or her designee described in Section 5270.35,*
2 *the psychiatrist directly responsible for the person's treatment, or*
3 *the psychologist shall not be held civilly or criminally liable for*
4 *any action by a person released at the end of the 30 days of*
5 *intensive treatment pursuant to this article.*

6 *(c) The attorney or advocate representing the person, the*
7 *court-appointed commissioner or referee, the certification review*
8 *hearing officer conducting the certification review hearing, or the*
9 *peace officer responsible for detaining the person shall not be*
10 *civilly or criminally liable for any action by a person released at*
11 *or before the end of the 30 days of intensive treatment pursuant*
12 *to this article.*